

CHAPTER 1 ORGANIZATION AND OPERATION

541—1.1(8) Purpose. This chapter describes the organization and operation of the department of management (hereafter referred to as the “department”), including the coordination of the policy planning, management of interagency programs, economic reports and program development.

541—1.2(8) Scope of the rules. The rules for the department are promulgated under Iowa Code chapter 8 and 1986 Iowa Acts, chapter 1245, sections 101 to 121 and shall apply to all matters before the department. No rule shall, in any way, relieve a person affected by or subject to these rules, or any person affected by or subject to the rules promulgated by the various divisions of the department from any duty under the law of this state.

541—1.3(8) Waiver. The purpose of these rules is to facilitate the business before the department and to promote a just resolution of controversies. Consistent with this purpose, the application of any of these rules, unless otherwise provided for by law, may be waived by the department to prevent undue hardship to a party, to a departmental proceeding, or to a person transacting business with the department. The reasons for granting a waiver of an administrative rule shall be stated in writing and shall be made a part of the record of the proceeding or a part of the departmental file in other matters.

541—1.4(8) Duties of the department. The department of management plans, develops, and recommends policy decisions for management of state government; administers local budget laws (cities, counties, and schools); oversees and ensures compliance with affirmative action; implements policies through coordination and budget processes; and monitors and evaluates the consistent, efficient, and effective operation of state government. The department consists of the director’s office, the Iowa Washington, D.C. office, administrative services division, five planning/budgeting divisions, and the following agencies or boards: state appeal board, criminal and juvenile justice planning agency, city finance committee, county finance committee, and the Iowa advisory commission on intergovernmental relations.

541—1.5(8) Definitions.

“*City budget*” means the budget adopted by city officials which incorporates specified requirements as stated in Iowa Code section 384.16.

“*Contract compliance director*” means the individual designated to oversee and impose sanctions in connection with state programs emphasizing equal opportunity through affirmative action, contract compliance policies and procurement set-aside requirements.

“*County budget*” means the budget adopted by the board of supervisors pursuant to Iowa Code chapter 331.

“*Department*” means the department of management.

“*Director*” means the director of the department of management as appointed by the governor and subject to senate confirmation.

“Employing agency” means an agency or department of the state of Iowa.

“History of the state employment data” means the agencies, salaries, job classifications, and dates of employment by the state of Iowa of a named individual.

“Individual data” means all personally identifiable information not included in the definition of “history of the state employment data.”

“Management director” means the director of designated clusters of state agencies and the director of local budgets, as appointed by the director of the department of management.

“Nonproprietary records” means those records which are in the possession of the department but which are generated for the purposes of other units of government.

“Proprietary records” means all records in the possession of the department which are generated by and are for the primary use of the department’s office.

“Summary data” means the information that is presented in such a manner as to preclude the identification of an individual by name or other identifier.

1.5(1) State appeal board—fees. The state appeal board considers the protests of local government budgets, as well as all general and tort claims against the state, as interpreted by the three members: treasurer of state, auditor of state and director of the department of management which implements proper procedures as assigned by Iowa Code chapter 24.

The processing fee for filing a general claim with the state appeal board is \$5 which shall be billed and paid quarterly by the state agency which incurred the liability of the claim. This fee shall not be reimbursable from the vendor to the state agency.

1.5(2) Criminal and juvenile justice planning agency. Rescinded IAB 9/1/93, effective 8/9/93.

1.5(3) City finance committee. The city finance committee promulgates rules relating to city budget amendments, establishes guidelines for the capital improvement program, reviews and comments on city budgets and conducts studies of municipal revenues and expenditures as specified in Iowa Code section 384.15.

1.5(4) County finance committee. The county finance committee establishes guidelines for program budgeting and accounting, reviews and comments on county budgets, and conducts studies of county revenues and expenditures. In addition, the committee performs other duties as assigned by law pursuant to Iowa Code section 333A.4.

1.5(5) Iowa advisory commission on intergovernmental relations. Rescinded IAB 9/1/93, effective 8/9/93.

This rule is intended to implement Iowa Code section 8.6 and section 25.1 as amended by 1993 Iowa Acts, chapter 180, section 72.

541—1.6(8) Central office and communications. Correspondence and communications with the department of management shall be addressed or directed to the department’s office located in Room 12, State Capitol Building, Des Moines, Iowa 50319; telephone (515)281-3322.

1.6(1) Correspondence and communication with the state board of appeals shall be addressed to its central office in Room 12, State Capitol Building, Des Moines, Iowa 50319; telephone (515)281-3322.

1.6(2) Correspondence and communications with the criminal and juvenile justice planning agency shall be addressed to Executive Hills East, Suite 205, Des Moines, Iowa 50319; telephone (515)281-3241.

1.6(3) Correspondence and communications with the county finance committee shall be addressed to Room 12, State Capitol Building, Des Moines, Iowa 50319; telephone (515)281-3322.

1.6(4) Correspondence and communications with the advisory commission on intergovernmental relations shall be addressed to Room 12, State Capitol Building, Des Moines, Iowa 50319; telephone (515)281-3322.

1.6(5) Correspondence and communications with the city finance committee shall be addressed to Room 12, State Capitol Building, Des Moines, Iowa 50319; telephone (515)281-3322.

541—1.7(8) Access to official records and information.

1.7(1) Availability. Unless prohibited by the Code, the department will provide, upon request, any records in any existing form. The department may require the submission of a written request specifying the records requested. The department will endeavor to supply all requests for records in a timely fashion. In the event that a request cannot be fulfilled within a reasonable time, the requester will be so notified and an estimated completion date will be provided. For nonproprietary records, the department is only a repository and is not the “lawful custodian” of the records under the meaning of Iowa Code chapter 22. Nonproprietary records shall be provided only to the unit of state government which is the lawful custodian of such records under Iowa Code chapter 22.

1.7(2) Cost. Records will be provided at the cost to the state of producing or reproducing the records, including an appropriate administrative charge. Payment will be accepted only for records which can be provided at the time of the request. A deposit may be required in advance of actual production.

For nonautomated records, there will be a charge of 20 cents per copy whenever a copy machine is used. A maximum of five copies of each original document will be allowed to be made on the department’s copy machine. The copy machine will not be used for documents secured from other than the department’s records. The records may not be altered, damaged, resequenced, or otherwise disturbed in the process of copying.

The examination of these records and the use of the copy machine to make copies of these records shall be available for public use during customer business hours (Monday to Friday, 8 a.m. to 4:30 p.m., except legal holidays). The examination and the use of the copy machines shall be done under the supervision of an employee designated by the director of the appropriate division.

1.7(3) New records. Requests for records which cannot be reproduced without new programming are considered requests for new records. It may not be possible to honor such requests on a timely basis. If, however, there are existing records which contain the information requested, the requester will be advised of their existence.

Where such records are provided to the lawful custodian to fulfill the request of a third party, the unit of state government which is the lawful custodian of the records shall reimburse the department for the cost of producing or reproducing the records. The lawful custodian must inform the department that a request is being processed for a third party.

541—1.8(8) Access to data in the personnel management information system.

1.8(1) Organization. There shall be a personnel management information system board of review consisting of an appointed representative from each of (1) the department of management; (2) the institutions governed by the board of regents; (3) the department of general services; (4) the department of transportation; and (5) the department of revenue and finance; and (6) the department of personnel. This board will recommend an administrator who will be the contact person for securing any information from the system. The price for the production of a requested report will be the cost as determined by the data processing division of the department of general services. Billings will be accomplished under the rules established by the department of general services.

1.8(2) To secure information from the system, requests must be in writing and submitted to the administrator, department of management.

These rules are intended to implement Iowa Code section 8.6 and section 25.1 as amended by 1993 Iowa Acts, chapter 180, section 72.

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CHAPTERS 2 and 3

Reserved